

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 14, after "corporation;" insert "**or**".
- 2 Page 1, line 15, delete "or".
- 3 Page 1, line 16, after "school;" insert "**or**
- 4 **(D) special education cooperative;**".
- 5 Page 2, line 5, delete "or".
- 6 Page 2, line 6, after "school;" insert "**or**
- 7 **(iv) special education cooperative;**".
- 8 Page 2, line 11, delete ";" and insert "**or cooperative;**".
- 9 Page 2, line 13, delete ";" and insert "**or cooperative;**".
- 10 Page 2, line 16, delete "." and insert "**or cooperative.**".
- 11 Page 2, between lines 28 and 29, begin a new paragraph and insert:
- 12 "**(i) As used in this section, "special education cooperative" has**
- 13 **the meaning set forth in IC 20-35-5-1.**".
- 14 Page 2, line 29, delete "(i)" and insert "**(j)**".

1 Page 2, line 32, delete "(j)" and insert "(k)".

2 Page 3, delete lines 4 through 6, begin a new paragraph and insert:

3 "SECTION 2. IC 35-50-2-14, AS AMENDED BY P.L.173-2006,
4 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 14. **(a) As used in this section, "sex offense"**
6 **means a felony conviction:**

7 **(1) under IC 35-42-4-1 through IC 35-42-4-9 or under**
8 **IC 35-46-1-3;**

9 **(2) for an attempt or conspiracy to commit an offense**
10 **described in subdivision (1); or**

11 **(3) for an offense under the laws of another jurisdiction,**
12 **including a military court, that is substantially similar to an**
13 **offense described in subdivision (1).**

14 ~~(a)~~ **(b)** The state may seek to have a person sentenced as a repeat
15 sexual offender for a sex offense under ~~IC 35-42-4-1 through~~
16 ~~IC 35-42-4-9 or IC 35-46-1-3~~, or for an offense committed in another
17 jurisdiction that is substantially similar to a sex offense under
18 ~~IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3~~; **subsection (a)(1)**
19 **or (a)(2)** by alleging, on a page separate from the rest of the charging
20 instrument, that the person has accumulated one (1) prior unrelated
21 felony conviction for a sex offense under ~~IC 35-42-4-1 through~~
22 ~~IC 35-42-4-9 or IC 35-46-1-3~~, or for an offense committed in another
23 jurisdiction that is substantially similar to a sex offense under
24 ~~IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3~~; **subsection (a).**

25 ~~(b)~~ **(c)** After a person has been convicted and sentenced for a felony
26 committed **under subsection (a)(1) or (a)(2) after sentencing having**
27 **been sentenced** for a prior unrelated ~~felony conviction sex offense~~
28 under ~~IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3~~, or for an
29 offense committed in another jurisdiction that is substantially similar
30 to a sex offense under ~~IC 35-42-4-1 through IC 35-42-4-9 or~~
31 ~~IC 35-46-1-3~~; **subsection (a)**, the person has accumulated one (1) prior
32 unrelated felony **sex offense** conviction. However, a conviction does
33 not count for purposes of this subsection, if:

34 **(1) it has been set aside; or**

35 **(2) it is ~~one~~ a conviction** for which the person has been pardoned.

36 ~~(c)~~ **(d)** If the person was convicted of the **sex** offense in a jury trial,
37 the jury shall reconvene to hear evidence in the enhancement hearing.
38 If the trial was to the court, or the judgment was entered on a guilty

plea, the court alone shall hear evidence in the enhancement hearing.

~~(d)~~ **(e)** A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony **sex offense** conviction. ~~under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3.~~

~~(e)~~ **(f)** The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 3. [EFFECTIVE JULY 1, 2009] **IC 35-42-4-7 and IC 35-50-2-14, both as amended by this act, apply only to crimes committed after June 30, 2009."**

(Reference is to SB 181 as printed February 13, 2009.)

and when so amended that said bill do pass.

Representative Pierce